



NATIONAL  
WOMEN'S  
LAW CENTER

EXPANDING THE POSSIBILITIES

PREGNANT & PARENTING  
STUDENTS' RIGHTS

.....  
toolkit



## **Title IX**

is a federal civil rights law that prohibits sex discrimination in educational programs or activities that get federal funding. It is illegal under Title IX to exclude students who may be pregnant, who are pregnant, or who have been pregnant from participating in any part of an educational program.

# PREGNANT AND PARENTING STUDENTS' RIGHTS

Title IX is a law that bans sex discrimination in schools that get federal funds. Title IX makes it illegal to exclude students who may be, are, or have been pregnant from an educational program.

## Title IX Basic Rights

- You must have equal access to classes and activities. If your school has special services for students with temporary medical conditions, they have to offer the same services to pregnant students.
  - For instance, if your school records lectures for students who miss class because they are sick, they must do the same for students who miss class due to pregnancy.
  - Another example is if your school allows a student with a broken leg to change their seat or use a different desk, your school must do the same for pregnant students.
- Your college must excuse your absences due to pregnancy or childbirth for as long as your doctor says is necessary. **Schools must reschedule exams missed due to pregnancy or childbirth.** When you return, your college must allow you to return to the same academic and extracurricular status you had before you left. The college must also give you a chance to make up missed work.
- Your college cannot make you to take time off if you don't want to.
- Your college cannot exclude you from a special program because you are pregnant or a parent.
- If your college has a program or activity for students who are pregnant or parents, you get to decide if you want to take part in them. Your college cannot make you attend if you do not want to.

- Your college can make you turn in medical records *only if* they make students with medical conditions do the same. If they do not make students with other medical conditions submit medical papers to take part in a class or activity, then it is illegal to make pregnant students do so.

## School Activities

- You can take part in activities for as long as you want. Your college cannot stop you from joining clubs, going to events, or participating in research, *unless* the school has the same rules for all students who have a condition needing medical attention..

## Classes

- Your college cannot make you change your major or degree program because you are pregnant or a parent. They cannot force you to attend an alternate program, like an evening program.
- If a professor doesn't want you in class because you're pregnant, tell a school official ASAP. You have a right to take whatever course you want if you meet course prerequisites. The school official should monitor the class and make sure the professor does not show bias in grading. Stick with it so you can graduate and reach your goals!
- If students with temporary medical conditions get online classes or tutoring, students who miss class because of pregnancy or childbirth should get the same.

## Remember

This is the least colleges must do to prevent discrimination against pregnant and parenting students. But colleges can and should do more. Some states have laws that provide even more protections or support for pregnant and parenting students. Talk to a lawyer to find out the law in your state.

For more information, please go to <http://nwlc.org/issue/pregnant-parenting-students/> or contact the National Women's Law Center at [info@nwlc.org](mailto:info@nwlc.org).

# FAQ

frequently asked questions

## Pregnant and Parenting College & Graduate Students Rights

### **How does Title IX Apply to Pregnant or Parenting College & Graduate Students?**

Title IX bans sex discrimination in schools that get federal funds. Sex includes pregnancy and all related conditions like abortion. Most colleges get federal funds through financial aid programs like Pell grants and Stafford loans. This means that colleges must give all students who might be, are, or have been pregnant the same access to classes and programs that other students have. Your professors or school officials should not tell you to drop out or change your educational plans because you are pregnant or gave birth.

### **How do I figure out if my university is breaking Title IX law?**

First, look at how your school treats pregnant students compared to students with temporary medical conditions. Title IX says schools must offer pregnant students the same benefits they offer to students with temporary illnesses or injuries. There is one exception to this rule. No matter its policy for other students, your school must excuse any class you miss for pregnancy-related reasons.

Also your school must have a Title IX Coordinator. This person should be able to answer questions about Title IX and your school's policies. The Title IX Coordinator cannot be biased when they evaluate Title IX violations. Your school may also have its own rules or support

services for students. Contact the Title IX coordinator or campus Women's Center to find out more about your school's policies.

Finally, some states have their own laws that provide greater protections. You should talk to a lawyer to find out more about your state's laws.

### **I have to miss class to give birth / have an abortion / go to a prenatal visit / be on bed rest. Does my university have to excuse my absence?**

Yes. Your school must excuse your absences due to pregnancy and related conditions. This includes absences for labor, delivery, and recovery, as well as prenatal appointments. Absences must be excused for pregnancy-related reasons even if your school does not excuse absences for students with other medical conditions. Your school must excuse your pregnancy-related absence for as long as your doctor says is necessary. When you return to school, your school must reinstate you to the status you held before your absence. Your school can require a doctor's note, *but only* if it requires the same for students with other medical conditions.

### **Class attendance is part of my final grade. Can my professor lower my grade because I miss classes for pregnancy-related reasons?**

No. You cannot be penalized for pregnancy or related conditions. If a professor provides "points" to students based on class attendance, they must give you a chance to earn back the credit from classes you miss due to pregnancy. They must also return you to the status you held before you were absent.

### **Does my university have to give me a chance to make up work I missed while I was absent?**

Yes. If you miss class for pregnancy-related reasons or childbirth, your school has to give you a chance to make up missed work. For example, if your doctor orders you on pregnancy-related bed rest, your school can send you class assignments or allow you to review lectures online. No matter what, your school must give you any info you need to make up work you would have had to complete if you were in class. For an extended absence, it's good practice for your school to regularly give you the work you miss, so you do not fall far behind.



### **My university says they leave make-up work and absences up to each professor. What should I tell them?**

Professors do not have the right to break the law. Title IX says schools must make sure that all faculty and staff comply with the law and do not discriminate against pregnant and parenting students. So, if a professor's policy breaks Title IX law, the school must fix it.

### **I want to return to school three days after I have the baby, so I do not fall too far behind. But my department head thinks I should take more time off to recover. What should I do?**

It is up to you and your doctor to decide when you can return. Not your university. Your school must offer to excuse more than three days if that's what your doctor recommends. But no one can force you to take more leave than you want—even if they think it would be better for you (or your baby). Also, your school cannot have a rule that bans students from returning to classes for a set period after childbirth.

### **Does my school have to provide special academic services to me, like tutoring?**

Title IX says schools must give pregnant students any services they give to students with temporary medical conditions. If students with other medical conditions get at-home tutoring, your school must provide the same for students who miss class because of pregnancy or childbirth.

### **What about internships, labs, research assistantships, career rotations, and other elements of my program? Do I have a right to participate in those?**

Yes. You have a right to take part in all elements of your program while pregnant or parenting. For example, your school cannot deny you access to "work in the field" programs because you're pregnant. The program cannot require a doctor's note for continued participation unless the school requires the same for all students who have a medical condition. If your doctor gives a note saying you can participate in a special program, your school cannot second guess your doctor's decision.

### **My professor says it's unsafe for me to do certain lab experiments or be exposed to certain chemicals. How can I make sure I'm getting the experience I need?**

Your school should have the right equipment for all students and make adjustments in the lab on a case-by-case basis. If your doctor says it is safe for you to do experiments, your

professor may not second guess that decision. If your doctor says it is safe only under certain conditions, your school should try to provide those conditions. If your doctor says participation is unsafe, your school must give you a chance to make-up assignments later.

### **Classmates or professors have made offensive comments to me about my pregnancy. What are my rights?**

Title IX says schools have to stop and address sex-based harassment. This includes harassment based on pregnancy. If teachers or students harass you because you are pregnant, report it to a school official (e.g., the Title IX coordinator). It is illegal for the school officials, faculty, or students to retaliate against you for making a complaint or voicing concern.

### **I'm a student-athlete. Can I still play if I'm pregnant?**

You and your doctor should decide whether you can play sports. Not your coach or the athletics department. You should share the [NCAA Pregnant and Parenting Student-Athletes: Resources and Model Policies \[PDF\]](#) with athletics department staff.

### **I have an athletic scholarship from my university. Can they take my scholarship away if they find out I am pregnant?**

In most cases, no. Your school cannot cut off or reduce your scholarship during your award term based on pregnancy. Also, many universities will renew athletic awards for an injured or ill student athlete if the athlete works with the school's medical team or trainers to rehabilitate themselves. In the case of career-ending injuries, if the athlete remains engaged with the athletics department, schools will often renew awards, too. If your school renews awards in these circumstances for injured or ill athletes, it must do the same for pregnant or parenting student athletes.

Before a school can decline to renew your athletic scholarship, it must tell you in writing by July 1 (before the school year the non-renewal is to take effect). The statement must say the reasons for non-renewal. The statement must also say how you can appeal the decision. For more information, read the [NCAA Pregnant and Parenting Student-Athletes: Resources and Model Policies \[PDF\]](#).

### **I have a merit or need-based scholarship. Can my university take away my scholarship if they find out I am pregnant?**

No. Universities cannot end or reduce merit or need-based



scholarships based on pregnancy. If you stay in good standing in your program, you must be allowed to keep your scholarship.

### **I want to take a semester off. Can I keep my student status, scholarships, and financial aid?**

Not necessarily. It depends on the leave policy at your school. If you want to take off more time than your doctor says is medically necessary, you will need to consult your school's non-medical leave policy.

### **I receive federal financial aid. How will my pregnancy affect my federal grants and loans?**

You can register as an "independent student" if the child's due date is in the award year (July 1 to June 30) and you will be providing at least half of the support to the child. When filling out the form, count your child toward the household size if the due date is within that award year—even if they have not been born when you file. Keep a copy of an ultrasound and other medical records in case FAFSA audits your application.

### **What if I work for the school as a graduate assistant, in addition to being a student? Do I still have the same rights? Do I qualify for maternity leave?**

Your rights as an employee are different from your rights as a student. Title VII of the Civil Rights Act of 1964 and the Pregnancy Discrimination Act protect you from employment discrimination. You cannot be fired from your graduate assistantship because you are pregnant. Also, you may be eligible for family or medical leave as a university employee. You may also qualify for parental leave under the university's policy. Speak to your school's Human Resources department for more info on the parental leave policy.

Note: Your employee parental leave may allow you to take more time off from work than your doctor recommends. But Title IX only allows you to take as much time off from class as your doctor recommends.

### **I need childcare while I am in class. Does my university have to provide me with childcare?**

Unfortunately, no. Although the U.S. Department of Education recommends that schools offer childcare to students, your school is not required to provide them by law. Check your university's program offerings to see if they provide these services for students. If they do not, you can tell your school about the availability of CCAMPIS grants to schools that want to offer campus-based childcare. Also, see the resources section for more info on federal programs for low-income parents. Your state may have additional programs as well.

### **I want to breastfeed my infant. Where can I use a breast pump while I am on campus?**

The U.S. Department of Education recommends that all universities have private rooms for students to breastfeed or pump milk during the school day. Also, the Affordable Care Act requires your university to provide a space for employees to pump. This space cannot be a bathroom. If you are a university employee, the university must give you space to breastfeed or pump. If you are not an employee, you should ask your Title IX Coordinator if you can access the breast pumping rooms. For more info, read the [breastfeeding and lactation support fact sheet](#) included in this toolkit.

### **I live in on-campus housing. Can my university evict me because I am pregnant?**

Your school cannot evict you from housing for being pregnant. However, federal law does not require schools to provide housing for your family. Some colleges offer a limited number of family housing units. Ask your school's Title IX Coordinator or other campus official for info about housing for pregnant and parenting students. Seek legal advice if you think your university's policy or practice is discriminatory.

### **I am no longer pregnant or have already graduated. Is there anything I can do about the discrimination I experienced while I was a pregnant student?**

You can file a complaint with the U.S. Department of Education's Office for Civil Rights up to 180 days after the discrimination took place. The Department may extend the time for filing for good cause.

If you are considering filing a lawsuit, [the time limit for filing depends on the state](#) where your school is located. Generally, the deadline to file suit ranges from one to six years.

If you think your time has run out, you may still have options. Contact your Title IX Coordinator, the Department of Education's Office for Civil Rights, or the National Women's Law Center to learn more. Even if it is too late for you, you can help us make sure that women who find themselves in your shoes do not run into the same problems.

Colleges and universities must at least prevent discrimination against pregnant and parenting students. But they can—and should—do more. For more info, please go to [www.nwlc.org/pregnantstudents](http://www.nwlc.org/pregnantstudents) or contact the National Women's Law Center at [info@nwlc.org](mailto:info@nwlc.org).



# FAQ

frequently asked questions

## Breastfeeding Students

### **I'm coming back to school after giving birth to a child. Does my school have to let me breastfeed or pump breast milk on campus?**

Yes. Title IX says schools that get federal funding cannot discriminate based on sex, which includes pregnancy and all related conditions. If your college has students that get federal financial aid (such as Pell grants, Stafford loans, and Perkins loans), it is bound by Title IX. Breastfeeding is a condition related to pregnancy, so schools must find ways to help students who need to breastfeed or pump on campus.

Depending on what state you live in, you may have even more protections. Many states have laws that say mothers have a right to breastfeed or pump in any place they are otherwise allowed to be. In these states, anyone trying to interfere with that right is breaking the law. Many of these laws apply to colleges and universities. You can find out whether your state has such a law here: <http://www.ncsl.org/research/health/breastfeeding-state-laws.aspx#State>.

Most states also have "public accommodations" laws that can give you even more protections. These laws say public places cannot single you out based on sex, which includes pregnancy and the ability to breastfeed. Some of these laws apply to colleges and universities. If your school won't let you breastfeed or pump on campus, it's illegally singling you out in a public space because of a sex-related trait. You can find out if your state has a public accommodations law here: <http://www.ncsl.org/research/civil->

[and-criminal-justice/state-public-accommodation-laws.aspx](#). Be sure to check the definitions section to see if your state's law applies to colleges and universities.

### **I work for a professor/ am a graduate teaching assistant/ work on campus. Do I have any additional rights?**

Possibly. If you are eligible for overtime or comp time, the Affordable Care Act (ACA) says your university has to give you any break time you need to pump breast milk until your child's first birthday. This break time may be unpaid. The ACA also says your university must have a space that is not a bathroom for you to pump breast milk.

### **Where can I breastfeed or pump breast milk on campus?**

The Department of Education suggests that all colleges and universities have private rooms for students to breastfeed or pump milk during the school day. In addition, the ACA says your school must have a space other than a bathroom for employees to pump breast milk. If you are not an employee of your school, ask the Title IX Coordinator if you can use the breast-pumping rooms. If breast-pumping rooms are only for employees, ask the Title IX coordinator where you can pump breast milk on campus.

### **My school said I should pump in a bathroom or a student lounge. How can I respond?**

Tell your school that [federal policy](#) says forcing a student to pump breast milk in a bathroom is wrong. Breast milk is baby food. So, it is not sanitary to produce or handle baby food in a bathroom. Also, pumping breast milk is a process that takes 15 to 20 minutes and requires balancing equipment and supplies. Most bathroom stalls do not have a place to sit or balance pumping supplies other than the toilet or the floor. Both options are unsanitary and likely to be uncomfortable for a nursing parent. Also, you need a power outlet to use an electric pump, and a bathroom stall may not have one.

Pumping in a bathroom can also be a problem for other students, faculty, and staff, who may need to use the bathroom and could be inconvenienced by a stall being occupied for 15 to 20 minutes.

Pumping in a student lounge presents similar problems. Expressing breast milk requires one to use medical equipment and to expose their breasts. Doing so in a public lounge, particularly in a lounge with windows, may make both the nursing parent and other students uncomfortable.



### **Can I be excused from class to pump breast milk?**

Yes. Every parent and baby is different. But in general, a nursing parent with a new baby must pump or breastfeed **every two to three hours**. If you have a class that is longer than three hours or back-to-back classes without enough break time in between, talk to the Title IX Coordinator or professors about taking break time to pump. Title IX says the school must find a way to help with your request, especially if they allow students with temporary medical conditions to miss class time to address their needs.

### **Can a professor penalize me for missing class to pump breast milk?**

No. Your professor must let you make up the work you missed while you were out of the classroom pumping. You cannot be penalized for pregnancy related conditions, like breastfeeding. If a professor provides “points” or other advantages to students based on class attendance, s/he also must give you a chance to earn back the credit from class time you miss while pumping.

### **My professor has scheduled a long final exam. Does he or she have to allow me to pump breast milk during the exam?**

Yes. Individual professors are also bound by the law. Title IX says that universities have to make sure that faculty or staff members do not discriminate against breastfeeding students. This means that faculty and staff members must make sure that nursing parents can pump, if needed, during a long exam without penalty.

### **What can I do if my school will not accommodate my request to pump breast milk on campus?**

You have a few options. You can report discrimination to a Title IX coordinator or a university administrator or **send a demand letter to your university**. You can also file a complaint with the Department of Education’s Office for Civil Rights or file a lawsuit. Read the **Pregnant and Parenting Students’ Rights: Take Action!** fact sheet and the other materials in this toolkit for more info. If you are thinking of filing a lawsuit, we highly recommend that you speak with a lawyer first.

### **I am registered to take the LSAT, GRE, or MCAT shortly after my baby is born. Will test administrators allow me to pump?**

If you’re taking the LSAT, you’re in luck! The Law School Admissions Council says nursing mothers get break time to pump / breastfeed and related needs if their child is less than one year old. Learn more about their policy and apply

for an accommodation here: <http://www.lsac.org/jd/lsat/policies/nursing-mothers>.

The MCAT says it provides accommodations for **pregnancy**. This should include the need to pump breast milk. Find out more info and apply for an MCAT accommodation here: <https://www.aamc.org/students/applying/mcat/accommodations/>.

The GRE says it accommodates some disabilities and health-related needs. Title IX says that graduate schools that get federal funds cannot use admission tests that single out students out based on sex. This means that test administrators must treat nursing parents like other students with temporary medical conditions. Find out more and apply for a GRE accommodation here: [http://www.ets.org/gre/revised\\_general/register/disabilities/](http://www.ets.org/gre/revised_general/register/disabilities/).

If the GRE or the MCAT denies your request for extra break time and space to pump breast milk, send them a **demand letter**. You can also file a lawsuit, but we strongly encourage you to talk to a lawyer first.

### **I am registered to take the bar exam or the medical boards shortly after my baby is born. Will the test administrators let me pump breast milk?**

For the bar exam, it depends on the state. You can find info about your state bar’s policy here: <https://www.aclu.org/map/breastfeeding-policies-during-bar-exam-state>.

In 2012, a Massachusetts court said that under the state’s public accommodations law, the National Board of Medical Examiners had to let test takers pump. But The Medical Board only has to follow the court’s decision in Massachusetts. In other states, the **Board still refuses to give nursing parents a sanitary place to pump** during the exam.

If your state bar or the Medical Board does not give you extra time or space to pump breast milk and your state has a good breastfeeding law or public accommodations law, send them a **demand letter**. You can also file a lawsuit, but we strongly advise you to talk to a lawyer first. The testing agency will not have a strong defense if they provide a private space for test takers with disabilities to handle their needs. While breastfeeding is not a disability, offering a private room to people with disabilities while denying one to nursing parents may be sex discrimination.

Please note that the bar examiners and the Medical Board do not get money from the federal Department of Education. Therefore, they are not bound by Title IX.





# the basics

## OF THE U.S. DEPARTMENT OF EDUCATION OCR COMPLAINT PROCESS

**What is OCR?** The Office for Civil Rights at the U.S. Department of Education enforces Title IX. Title IX bans sex discrimination in schools that get federal funds. This includes discrimination based on pregnancy and related conditions. OCR also enforces civil rights laws that ban discrimination based on race, color, national origin, disability, and age. OCR handles complaints on behalf of people or groups. They investigate colleges that get federal financial aid to make sure the school complies with civil rights laws. OCR also provides training and guidance to schools to help them understand their legal duty to stop and fix discrimination in their programs and activities.

### **Who can file a complaint with OCR?**

Anyone who thinks a school has discriminated against someone on the basis of sex can file an OCR complaint. You don't have to be a victim of the discrimination. Your parents may file on your behalf. You may file on behalf of a friend. Or a professor may file on behalf of a student.

**Don't Delay!** You must file a complaint within 180 days of the date of the discrimination at issue. In other words, you have less than six months to file an OCR complaint. If you are filing your complaint outside of this time frame, you can ask to waive the 180-day limit. If you ask for a waiver, you must explain why you did not file the complaint within the deadline. Waivers are not often granted, so it's important to file your complaint as soon as you can. However, if your complaint deadline has passed, it is still worth trying to get a waiver.

- If the discrimination is ongoing, you only need to file within 180 days of the *most recent* offensive act. The complaint can include earlier incidents, too. An example of ongoing discrimination is if the school has an official policy that violates Title IX.
- If you used your school's internal grievance procedure and it took longer than 180 days, you will have a strong case for a waiver from OCR.



**Confidentiality.** OCR will not reveal your identity without your consent, unless it is necessary to complete an investigation, or unless federal law requires it.<sup>1</sup> OCR may ask for some personal info, like student records, to investigate your complaint. You have the right *not* share this info. However, if OCR can't investigate your complaint without this info, they may close your complaint.

**By law, you are protected against retaliation.** Title IX gives you a right to speak out against sex discrimination. Making a report to a school official or filing an OCR complaint are both protected actions under Title IX. It is against the law to retaliate against someone for exercising their Title IX rights. Anyone who speaks up about discrimination is protected from retaliation, even if they only witnessed discrimination but were not the victim.

- **Retaliation** is any bad action taken against you for asserting your rights. For example, if your professor docks your grade in class because you filed a complaint, that is retaliation.

**What about filing a lawsuit?** You do not need to file an OCR complaint before you file a lawsuit under Title IX. However, OCR is not likely to proceed with your complaint if you have a lawsuit pending or resolved in court. You should think carefully about whether to file an OCR complaint before filing a lawsuit. If you are thinking about filing a lawsuit, talk to a lawyer.

- Note: there are different time limits for filing an OCR complaint and a federal lawsuit. Filing a complaint with OCR will not stop the clock from running on your time to file a lawsuit, or vice versa.

**Other Considerations.** OCR may dismiss your complaint if you have a pending or resolved complaint with another federal, state, or local civil rights agency. OCR dismisses these cases if they think the other agency will reach a similar conclusion using similar legal standards.

- Your state may have other laws that apply to your situation. Sometimes state laws hold schools to a higher standard than Title IX. If this is the case for your state, it may make sense to pursue your complaint with a state civil rights agency.

**The process takes time.** Although OCR tries to investigate complaints quickly, the process will usually take some time. We've included in this toolkit information that will help you raise—and hopefully solve—the issue with your university. This is usually the quickest way to stop the discrimination and ensure that you have the opportunities you deserve. But even if an OCR resolution comes too late to help you, it can spur change in your university's policies and practices so others do not have to go through what you did.

<sup>1</sup> The Privacy Act of 1974, 5 U.S.C. § 552a, and the Freedom of Information Act (FOIA), 5 U.S.C. § 552, govern the use and disclosure of personal information submitted to all federal agencies, including OCR. Requests for information under these laws are reviewed on a case-by-case basis. However, OCR is generally not required to release documents during the case resolution and investigation process or enforcement proceedings. The Privacy Act and FOIA also generally do not require OCR to release “pre-decisional documents” or documents that would reasonably be expected to result in an unwarranted invasion of privacy of an individual.



# information

## YOU WILL NEED TO FILE AN OCR COMPLAINT

If your college has discriminated against you or someone you know based on sex or pregnancy status, you can file a Title IX complaint with the Office for Civil Rights (OCR). Just enter your complaint at <https://ocrcas.ed.gov>. You will need the following info to complete the form:

1. Contact info for you—first and last name, address, phone number, and email.
2. If someone besides you was the victim—name, address, phone number of the victim, and relationship to you.
3. Info about the college/university—name of the institution, address, and the department that engaged in the discrimination.
4. A description of the discrimination that occurred—
  - OCR will give a list of check boxes. You may select more than one. For your complaint to be filed under Title IX, you must check the box next to “sex.” (OCR also enforces civil rights laws that ban discrimination based on race, color, national origin, disability, and age.)
  - Be sure to say you were denied an opportunity due to pregnancy or a pregnancy-related condition.
  - If you have been retaliated against because you filed a complaint or asserted your rights, check the “retaliation” box and the “sex” box.
5. The complaint form asks you to describe the discrimination that occurred:
  - Name(s) of the person(s) who engaged in the discrimination (professors, administrators, etc.)
  - What happened—be as specific and detailed as possible.
    - Explain how the discrimination affected your life and education. Have your grades dropped? Did you miss an opportunity that will be important to your career? This info will make your complaint stronger.
  - Witnesses (if any)—anyone who saw the incident or incidents, or who spoke to you about it (example: someone who saw you in the bathroom crying afterwards).
  - Why you believe the discrimination was based on your pregnancy or parenting status.
6. Dates—you must list the **most recent** date of discrimination.
  - If the violation is ongoing, explain that (*for example, there is a discriminatory policy or practice still in place*).
7. If the most recent date of discrimination is more than 180 days ago, you will need to explain why you waited to file your complaint.
8. Note if you have tried to resolve the complaint through your school’s internal complaint process, appeal or due process hearing. Provide the date filed, and current status of the complaint.
  - If possible, attach any records from the school’s process.
9. Note if you have made this complaint to a local or state civil rights agency or another Federal agency. Specify the name of the agency or court, the date the complaint was filed, the case or reference number, and the result or findings made by that agency.





- *OCR may refuse to investigate your complaint if they think the other entity will reach a similar resolution under similar legal standards.*
- *OCR may also dismiss your complaint if it has already been investigated by a different court or agency and the resolution meets OCR standards.*

**10.** Who else OCR can contact if they can't reach you—contact's name, phone number, and relationship to you.

**11.** What would you like the school or program to do? That is, what remedy are you seeking?

- *For example, you might ask your school to adopt an official policy excusing all medical absences for pregnant students. You might want the chance to make up a test you missed for pregnancy-related reasons.*
- *You may also ask your school to pay you back for any costs you incurred because of the discrimination. You should keep receipts or invoices for expenses you want to be paid back.*

**12.** You must provide your original signature by mail. You can do this by printing and mailing a “[consent form](#),” which is linked at the bottom of the online complaint form.



# what to expect

## AFTER YOU FILE AN OCR COMPLAINT

### 1. Acknowledgment

- OCR will tell you when they get the complaint. Your complaint will be sent to the OCR regional office that handles complaints in the state where the school is located.
- Remember: you still must print, sign, and mail the consent form to [the OCR Office](#) that handles complaints for the state where the school is located. This consent form is at the end of the electronic application. OCR will close your complaint if it has not received the signed consent form 20 calendar days after you submitted the complaint.
- Be sure to check your mail, email, and voice mail. If OCR contacts you with questions, be sure to respond promptly. If you do not respond within 20 days after OCR contacts you with any questions, OCR can dismiss your complaint.

### 2. Investigation

- If OCR decides to investigate the complaint, it will tell you and your school.
- If OCR investigates your complaint, its role is to resolve your complaint as a neutral fact-finder. It will collect and analyze relevant evidence from you, your school, and possibly others. An OCR staff member will likely interview you, school officials, and any witnesses. At the end of the

process, OCR will decide whether your school violated Title IX. They will send a “Letter of Findings” to you and your school.

### 3. Resolution

- There are a few ways to resolve your complaint before the investigation ends. One option is the “Early Complaint Resolution” (ECR) process.
  - This process only happens if both you and your school agree. If both you and your school choose to start the ECR process, OCR sets up settlement talks between you and your school.
  - OCR does not sign, approve, or monitor any agreement that comes out of the ECR process.
- OCR may also try to negotiate a resolution agreement directly with the school before or after they finish an investigation.
  - If your school says they want to resolve the complaint early, OCR may try to negotiate a resolution agreement with the school before it finishes the investigation.
  - If OCR finishes the investigation and finds that your school violated Title IX, it will try to negotiate a “Voluntary Resolution Agreement” with your school. This agreement describes specific things your school must do to address its Title IX problems.
  - In either case, OCR will monitor the agreement to ensure compliance. OCR will reopen the investigation if the school breaks the agreement.
- Note: if OCR negotiates a resolution agreement, you probably won’t be consulted. But you have the right to check in and ask OCR questions. You will be told once a resolution is reached.
  - This is why you should state in your initial complaint what you want to see in any resolution.
  - If you did not include this info in your complaint or it changed during the investigation, you can still tell OCR what you

would like to see in a resolution. Just send an email saying you'd like to update your complaint. By sending an email, you have a record of what you asked for.

- Usually, voluntary resolution agreements require a school to tell OCR about the progress it is making to follow the law. This info will most likely not be shared with you. So you may need to follow up with your school or OCR for updates on your school's progress.

#### 4. Sanctions

- Sometimes OCR finds that a school did not comply with Title IX, and the school does not want to work out an agreement with OCR. In these cases, OCR will send the school a Letter of Impending Enforcement Action.
- OCR has the power to suspend, end, or withhold federal funds to the school. This action requires OCR to present its case to a judge. OCR must wait until your school exhausts all appeals before it can officially suspend or cut off funding.
- OCR may also refer a case to the U.S. Department of Justice for legal action. The Department of Justice may sue to force the school to follow the law.

#### 5. Appeal and lawsuit

- **Right to Appeal**—If OCR dismisses your complaint, you can appeal within 60 days of the decision. You may also appeal a case closure letter or letter of findings within the same time frame. The appeal gives you with a chance to tell OCR about any info that might change its decision. In your appeal, you must explain 1) why you think OCR did not have all the relevant facts, looked at the facts incorrectly, or used the wrong legal standard. You must also explain 2) how the relevant facts, analysis or legal standard would change OCR's decision in the case. If you do not include this explanation, OCR may deny your appeal.
- **Right to File a Lawsuit**—If you are not happy with the resolution between OCR and your school or if you have finished the appeals process on your complaint, you may file a lawsuit in federal court. Before filing, make sure you **have not run out of time based on state law**. You can also file a lawsuit without having filed an OCR complaint at all. We recommend you speak with a lawyer before filing a lawsuit.



**TAKE  
ACTION!**

# PREGNANT AND PARENTING STUDENTS' RIGHTS

**Did your college say** you could not participate in a program because you were pregnant? Did they refuse to excuse your pregnancy-related absences? Did your school take away your scholarship because you got pregnant? Or did you suffer another form of pregnancy discrimination? Title IX says schools cannot exclude students who may be, are, or have been pregnant from a program because of their condition. Here are some actions you can take to get relief and make sure no one else has to go through what you did. Remember, you can pursue more than one course of action!

## 1. Tell Your University

### A. Report Discrimination to a Title IX Coordinator or University Administrator

- Every college that gets federal funds must have a Title IX Coordinator. This is someone who can give students unbiased info about their Title IX rights. They should also address possible instances of discrimination.
- If you are concerned about how to handle pregnancy-related absences, the Title IX Coordinator may help you coordinate with your professors. If you think you are being discriminated against, the Title IX coordinator should tell you about your school's formal reporting process.
- You may also talk to your school's disability coordinator. Schools must provide pregnant students and students with temporary disabilities similar services and accommodations.
- Look up your school's reporting process and resources on their website. This info may also be

in the student handbook. Learn your rights under Title IX and what practices the U.S. Department of Education recommends. Knowing your rights will be helpful when reporting discrimination to your university. You can find this information in this toolkit and on the website of the [Department of Education's Office for Civil Rights \(OCR\)](#).

- You can also report discrimination to OCR or file a Title IX claim in federal court.
- Title IX says your school must investigate your complaint even if you have filed a claim with OCR or in court.

### B. Write a Letter to Your Administration

- Another way to put your college on notice of pregnancy discrimination is to send them a letter. Once your school gets notice of a claim of sex or pregnancy discrimination, it must investigate the claim under Title IX.
- Send this letter to the Title IX Coordinator and any other officials who hear students' complaints regarding discrimination, like the Dean of Students. You should be able to find their contact info in your student handbook or on your school's website.
- We have included a sample letter in this toolkit. You should tailor the letter to reflect your situation.
- Be sure to include how you want your school to fix the problem.



## 2. File a Complaint with the Department of Education's Office for Civil Rights (OCR)

- Anyone who witnesses or has been the victim of sex discrimination in a school that gets federal financial aid can file a Title IX complaint with OCR. They can use the [electronic complaint form](#).
- The complaint should be sent to the [OCR enforcement office](#) that handles complaints for the state where your school is.
- A complaint must be filed within 180 days of the most recent date of the discrimination. In some cases, OCR may extend the deadline.
- You do not need a lawyer to file a complaint with OCR. But it can be helpful to have one. Our toolkit includes information about [what you need to file a complaint](#) and [what you can expect](#) once the process starts.

## 3. File a Federal or State Lawsuit

- You can file a lawsuit in federal court for pregnancy discrimination if your school does not comply with Title IX.
- You do not need to file a complaint with OCR before you file a lawsuit.
- If you already have a lawsuit pending when you file an OCR complaint, OCR may dismiss your complaint. OCR may also dismiss your complaint if you file a lawsuit while your OCR case is pending.
- You can file a lawsuit after your OCR complaint is resolved or closed.
- Time for filing a pregnancy discrimination lawsuit will depend on [the time limit set by your state](#) for personal injury actions. .
- Although you can file a lawsuit without a lawyer, we highly recommend that you speak with a lawyer and get legal help..



# SAMPLE LETTER

Your Name  
Street Address  
City, State, Zip Code  
Date

Name of Title IX Coordinator or Other Administrator  
Name of University  
City, State, Zip Code

Re: Pregnancy Discrimination and Title IX

Dear \_\_\_\_\_ [name of Coordinator/Administrator],

I am a [graduate/undergraduate/vocational] student in \_\_\_\_\_ [name of school/program]. At this institution I have been discriminated against by \_\_\_\_\_ [names other students/teachers/staff members] because of my pregnancy. I was denied the opportunity to *[describe the discrimination you faced. For example, were you denied the opportunity to continue in or engage in a new research project or extracurricular activity? Did a professor refuse to excuse an absence related to your medical needs? Were you excluded from class participation? Were you not able to receive special services (like take-home assignments) that are typically given to other students with temporary medical conditions?]*. This occurred on \_\_\_\_\_ [date(s) or approximate time period] when \_\_\_\_\_ [describe the incident(s) in as much detail as you can remember] at \_\_\_\_\_ [describe specific place(s) where this happened]. \_\_\_\_\_ [name of person(s)] witnessed what happened and \_\_\_\_\_ [if they responded in some way, insert detail here].

[You don't need to report the discrimination to a professor or staff member before you fill out this letter. But if you did, describe here when and to whom you reported it. Also, write what you told them and how they responded.]

Title IX prohibits sex discrimination—including discrimination because of a student's pregnancy or related conditions—in universities that receive federal funding. Because our university receives federal funding, under Title IX you are responsible for investigating my complaint of discrimination in a prompt, thorough, and fair way. If you find that I have experienced pregnancy-based discrimination, you must take steps to end it and prevent it from happening again.

*[Explain what you would like your university to do to stop the discrimination or fix the harm the discrimination has caused you. For example, you might ask your school to adopt a consistent medical leave policy for pregnant students, or conduct trainings for staff and faculty on Title IX's ban on pregnancy-based discrimination. You might also suggest ways your school can directly address the harms you suffered, such as reinstatement into a program you were excluded from based on your pregnancy.]*

[If applicable:] In addition, our \_\_\_\_\_ [university and/or state] has a policy against pregnancy discrimination you are also violating. *[Note: If you don't know whether your university or state has a pregnancy discrimination policy that offers students protections beyond those provided by Title IX, you can delete this sentence.]*

Please let me know of the actions you have taken to comply with Title IX, to stop the discrimination and to ensure it does not happen again. I expect a response within five (5) business days.

Thank you for your prompt attention to this very serious problem.

Sincerely,

[sign here]

\_\_\_\_\_ [print your name]

CC: \_\_\_\_\_ [name of Dean of Students], Dean of Students

*[Be sure to keep a copy of this letter for your records]*

# GOVERNMENT RESOURCES & ASSISTANCE FOR LOW-INCOME PARENTS

## Child Care & Early Learning Opportunities

- Head Start and Early Head Start: <http://eclkc.ohs.acf.hhs.gov/hslc/hs/directories/apply/howdoiapplyfo.htm>
- Contact Info for a Head Start Program Near You: <http://eclkc.ohs.acf.hhs.gov/hslc/HeadStartOffices>

## Feeding & Nourishing Your Family

- Special Supplemental Nutrition Program for Women, Infants and Children (WIC): <http://www.fns.usda.gov/wic/women-infants-and-children-wic>
- State WIC Contact Info: <http://www.fns.usda.gov/wic/toll-free-numbers-wic-state-agencies>
- Supplemental Nutrition Assistance Program (SNAP, formerly known as Food Stamps): <http://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program-snap>
- State SNAP Contact Info: <http://www.fns.usda.gov/snap/outreach/map.htm>

## Financial Support for You, Your Family & Your Education

- Federal Student Aid | Correcting or Updating Your FAFSA: <https://studentaid.ed.gov/fafsa/next-steps/correct-update>
- Temporary Assistance for Needy Families (TANF): <http://www.acf.hhs.gov/programs/ofa/programs/tanf/about>
- State TANF Contact Info: <http://www.acf.hhs.gov/programs/ofa/help>

## Help Keeping the Lights On

- Low-Income Housing Energy Assistance Program (LIHEAP): <http://www.acf.hhs.gov/programs/ocs/programs/liheap>
- State LIHEAP Contact Info: <http://www.acf.hhs.gov/programs/ocs/resource/division-of-energy-assistance-federal-staff>

## Keeping You & Your Child Healthy

- Children's Health Insurance Program (CHIP): <http://chipmedicaid.org/>
- Health Insurance Marketplace: <http://healthcare.gov>



NATIONAL  
WOMEN'S  
LAW CENTER

EXPANDING THE POSSIBILITIES

